

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Mobilitie, LLC for a Certificate of
Public Convenience and Necessity to Provide
Resold and Facilities-Based Local Exchange
and Interexchange Telecommunications Services in
the State of South Carolina, and for Flexible
Regulation

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2007 - - C

(Please type or print)

Submitted by: John J. Pringle, Jr.

SC Bar Number: 11208

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda
expeditiously

☐ Other:

INDUSTRY (Check one)

- ☐ Electric
☐ Electric/Gas
☐ Electric/Telecommunications
☐ Electric/Water
☐ Electric/Water/Telecom.
☐ Electric/Water/Sewer
☐ Gas
☐ Railroad
☐ Sewer
☒ Telecommunications
☐ Transportation
☐ Water
☐ Water/Sewer
☐ Administrative Matter
☐ Other: _____

NATURE OF ACTION (Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer | <input checked="" type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Complaint | <input type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

Print Form

Reset Form

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July 6, 2007

FILED ELECTRONICALLY AND ORIGINAL VIA 1ST CLASS MAIL SERVICE

The Honorable Charles L.A. Terreni
Chief Clerk
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Application of Mobilitie, LLC for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services in the State of South Carolina and For Flexible Regulation
Docket No. 2007-____-C, Our File No. 1291-11419

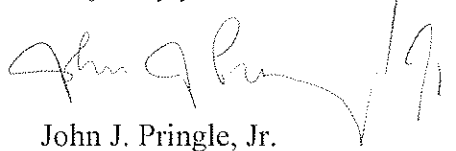
Dear Mr. Terreni:

Enclosed is the original and one (1) copy of the **Motion for Protective Treatment and Basis for Filing Exhibit C as Trade Secret** filed on behalf of Mobilitie, LLC in the above-referenced matter.

Please acknowledge your receipt of this document by file-stamping the copy of this letter enclosed, and returning it in the enclosed envelope.

If you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,



John J. Pringle, Jr.

JJP/cr

cc: Office of Regulatory Staff Legal Department
Mr. Mark Askelson
John Dodge, Esquire
Enclosures

THIS DOCUMENT IS AN EXACT DUPLICATE OF THE E-FILED COPY SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA**

In the Matter of the Application of

MOBILITIE, LLC

**For a Certificate of Public Convenience and Necessity
to Provide Resold and Facilities-Based Local Exchange
and Interexchange Telecommunications Services in the
State of South Carolina, and for Flexible Regulation**

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Docket No. _____

**MOTION FOR PROTECTIVE TREATMENT AND
BASIS FOR FILING EXHIBIT C AS TRADE SECRET**

Mobilitie, LLC (“Mobilitie” or “Applicant”), by counsel, and pursuant to S.C. Code Ann. § 39-8-10, *et seq.*, and S.C Code Ann. Regs 103-804(S)(2), hereby files this Motion for Protective Treatment (“Motion”) in the above-captioned proceeding. By this Motion, Mobilitie seeks protective treatment by the South Carolina Public Service Commission (“Commission”) of certain commercially-sensitive financial information attached as **Exhibit C**, filed as Trade Secret to Mobilitie’s Application for Authority to Provide Resold and Facilities-Based Local Exchange and Interexchange Telecommunications Services. Because this Motion is an inseparable part of Mobilitie’s Application, it is being filed concurrently therewith.

In support of this Motion, Applicant provides the following:

In support of its application, Mobilitie respectfully submits as follows:

1. The legal name, address, telephone and fax number of the Applicant are:

Mobilitie, LLC
500 Newport Center Drive, Suite 830
Newport Beach, CA, 92660
Telephone: (949) 999-4541
Fax: (949) 719-2716

2. All correspondence, notices, inquiries, and other communications regarding this Motion should be addressed to:

John J. Pringle
Ellis, Lawhorne & Sims, P.A.
1501 Main Street, 5th Floor
Columbia, SC 29202
Telephone: (803) 343-1270
Fax: (803) 799-8479

with copies to:

John C. Dodge
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006
Telephone: (202) 973-4200
Fax: (202) 973-4499

I. Description of Confidential Information

The Application requires Mobilitie to disclose evidence of its financial ability to provide service by submitting documentation of its financial resources. Pursuant to this requirement, Mobilitie is submitting copies of its balance sheet for the year ending December 31, 2006. This document contain highly confidential and strictly proprietary information, the public disclosure of which would result in direct, immediate and substantial harm to Mobilitie's competitive position in South Carolina and in other states where Mobilitie is currently doing business.

II. Grounds for Claim of Confidentiality

The financial information submitted by Mobilitie in **Exhibit C** of its Application fits squarely within the definition of a "trade secret" under the South Carolina Trade Secrets Act.¹ As a privately-held company, Mobilitie's financial qualifications are not readily ascertainable.

¹ A "trade secret" is defined in S.C. Code § 39-8-20(5)(a) as information that "(i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by the public...and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy."

Mobilitie currently has no legal obligation to prepare or submit projected financial statements, or to report any financial information to a public entity. Further, the unavailability of this information derives independent economic value for Mobilitie because the disclosure of such information would harm Mobilitie's ability to compete in the provision of advanced telecommunications services in South Carolina. Mobilitie is not a public entity and its financial and business information is uniquely sensitive.

Mobilitie takes considerable efforts to maintain the secrecy of the information contained in its financial statements. Financial information of this type is not publicly disseminated, and Mobilitie takes reasonable steps to guard this information internally as well. Its disclosure is limited to Mobilitie's senior officers, Mobilitie's counsel and employees of the company who are directly involved with Mobilitie's financial operations. Furthermore, when required to submit financial information to public authorities, all such information is clearly stamped "confidential" and is accompanied by formal requests to maintain the confidentiality of the information and to withhold it from public disclosure.

Mobilitie clarifies that its request for protection applies only to the financial information contained in Exhibit C to the Application. Mobilitie is not seeking protection of any type by means of this Motion for those reports Mobilitie will be required to file with the Office of Regulatory Staff ("ORS") should the relief sought in the Application be granted: the Annual Report Form, Gross Receipts Report, or the Universal Service Fund Worksheet.

III. Conclusion

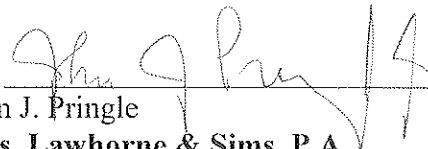
The financial information included in support of Mobilitie's Application, for which confidential treatment is requested, is both proprietary and competitively sensitive. Mobilitie would suffer substantial direct harm if such information is made publicly available. The harm

that would result from public disclosure of Mobilitie's financial information is real and not speculative. Moreover, to date, no other jurisdiction has required Mobilitie to make its financial information publicly available. For the foregoing reasons, the financial information included in Exhibit C should be protected from public disclosure by the Commission.

WHEREFORE, Mobilitie respectfully requests that the information contained in Exhibit C of Mobilitie's Application for a Certificate of Public Convenience and Necessity be ruled exempt from public disclosure and provided confidential treatment in accordance with S.C. Code Ann. § 39-8-10, *et seq.*

Respectfully submitted,

MOBILITIE, LLC

By: 
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